

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Andres De Leon Castro,)	
)	Civil Action No.:
Petitioner,)	
)	1:25-cv-11430-LTS
v.)	
)	
Patricia Hyde et al,)	
)	
Respondents.)	
)	

**PETITIONER'S RESPONSE TO RESPONDENTS'
MOTION TO DISMISS**

Petitioner Andres De Leon Castro (“Petitioner”), by and through his attorney, Elizabeth R. Mullins, respectfully responds to the motion to dismiss his petition for Writ of Habeas Corpus by Respondents Patricia Hyde, Field Office Director, Michael Krol, HSI New England Special Agent In Charge, and Kristi Noem, United States Secretary of Homeland Security (“Respondents”). Petitioner maintains that he is suffering in detention and wishes to effectuate his removal to Guatemala as quickly as possible. Respondents have provided supporting documentation regarding Petitioner’s removal from the Commonwealth. Petitioner therefore does not oppose Respondents’ motion to dismiss the instant habeas petition. However, Petitioner respectfully requests that this Honorable Court asks Respondents to comply with its electronic order issued on May 21, 2025 (Doc No. 10).

1. Petitioner Andres De Leon Castro is a Guatemalan national with a pending application for Asylum, Withholding of Removal, and protection under the Convention Against Torture. Petitioner was unlawfully detained by federal immigration agents on or about May 15, 2025. See Pet’r’s Pet. For Writ of Habeas Corpus, ¶¶ 1, 13, Doc. No. 1.

2. On information and belief, Petitioner was detained without cause by U.S. Immigration and Customs Enforcement (“ICE”) on or about May 15, 2025. Petitioner was subsequently held in ICE Custody at the Plymouth County Correctional Facility in Plymouth, Massachusetts. See Id. at ¶¶ 1, 5, 13.
3. On information and belief, while Petitioner was detained in ICE custody, he signed documents agreeing to be deported under duress. See Id. at ¶ 14.
4. Petitioner filed the instant petition for Writ of Habeas Corpus on May 20, 2025, at 4:22 p.m. See Id.
5. A search for Petitioner’s information in the ICE Online Detainee Locator System at 7:59 p.m. on May 20, 2025, showed Petitioner’s status as “In ICE Custody” and his location as “Current Detention Facility: PLYMOUTH COUNTY CORRECTIONAL FACILITY.” See Immigr. And Customs Enf’t Online Detainee Locator System, <https://locator.ice.gov/odls/#/results> (last visited May 20, 2025), attached as Exhibit A.
6. At 11:55 p.m. on May 20, 2025, counsel for Petitioner received an electronic notification via the ICE Enforcement and Removal Operations (ERO) E-file portal of client transfer to a new ICE detention facility. See Email from ICE Service Desk to Elizabeth Mullins (May 20, 2025), attached as Exhibit B.
7. A status hearing was held before the Honorable Judge Leo T. Sorokin on May 21, 2025. At the status hearing, the government represented that Petitioner was transferred from the District of Massachusetts at 12:45pm on May 20, 2025, prior to the filing of the instant habeas petition.
8. Upon conclusion of the status hearing on May 21, 2025, the Honorable Judge Sorokin entered an electronic order requiring Respondents to file a motion to dismiss or transfer

this case by May 28, 2025. Doc. No. 10. Respondents were ordered to address in the motion “the timing of events from the petitioner’s arrest by immigration officers to his arrival in Texas, as well as the basis for the petitioner’s arrest and detention.” Id.

9. In the electronic order, the Honorable Court additionally ordered that “[t]he Respondents shall attach as exhibits to the motion copies of any waiver or consent documents the petitioner allegedly signed in connection with his detention and/or possible removal.” Id.
10. The Honorable Court ordered Petitioner to respond to Respondents’ motion to dismiss by June 4, 2025. Id.
11. Respondents filed a motion to dismiss Petitioner’s petition for Writ of Habeas Corpus on May 23, 2025. Doc. No. 13. Respondents failed to address in their motion the basis for Petitioner’s arrest and detention. See Id. Additionally, Respondents failed to attach to the motion any copies of any waiver or consent documents allegedly signed by Petitioner. Respondents did not address these omissions in their motion to dismiss. See Id.
12. Respondents have made no other filings to address the basis for Petitioner’s arrest and detention or provided copies of any waiver or consent documents allegedly signed by the petitioner. The May 28, 2025 deadline has since passed.
13. Petitioner respectfully requests the Honorable Court to ask Respondents to provide the required information within a reasonable period of time.
14. Petitioner remains concerned that he was detained unlawfully in violation of his right to due process. Additionally, it serves the public interest to ascertain more information regarding Petitioner’s detention and transfer. There have been widespread reports of rapid

detainee transfers throughout the country,¹ and ICE's practice of notifying counsel only *after* a transfer has been effectuated raise general concerns around due process.²

15. However, Petitioner maintains that he is suffering in detention, and he wishes to be removed to Guatemala as quickly as possible. Respondent therefore does not oppose Respondents' motion to dismiss. He does not wish to prolong his current detention.

16. In order to prevent any delay in effectuating Petitioner's removal to Guatemala, Petitioner respectfully requests that the Honorable Court lift its May 21, 2025 order (Doc. No. 9) prohibiting transfer out of the continental United States without 72 hours' notice.

Respectfully submitted,
On behalf of the Petitioner

Dated: June 2, 2025

By:

/S/ Elizabeth R. Mullins
Elizabeth R. Mullins, Esq.
BBO # 711463
Justice Center of Southeast
Massachusetts, LLC
62 Main St, Ste 302
Brockton, MA 02301
emullins@justicema.org
(774) 438-9969

¹ See, e.g., Daniella Silva, Detained immigrant students sent to remote Louisiana facilities accused of human rights abuses, NBC NEWS (Apr. 1, 2025), <https://www.nbcnews.com/news/us-news/ice-student-detainees-louisiana-mahmoud-khalil-alireza-doroudi-rcna198959>; Giulia McDonnell Nieto del Rio, More than 100 detained immigrants transferred from New England to New Mexico, advocates say, BOSTON GLOBE (Feb. 13, 2025), <https://www.bostonglobe.com/2025/02/12/metro/massachusetts-transferred-new-mexico-immigration/>;

Eric Levenson, Why ICE is really moving detainees over a thousand miles from where they were arrested, CNN (Apr. 10, 2025), <https://www.cnn.com/2025/04/10/us/immigration-detainees-trump-ice-students-visa>.

² See U.S. Immigr. and Customs Enf't, Policy 11022.1: Detainee Transfers, (Jan. 4, 2012), <https://www.ice.gov/doclib/detention-reform/pdf/hd-detainee-transfers.pdf>.

CERTIFICATE OF SERVICE

I, Elizabeth R. Mullins, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be send to those indicated as non-registered participants.

Dated: June 2, 2025

By: /s/ Elizabeth R. Mullins
Elizabeth R. Mullins, Esq.
Justice Center of Southeast
Massachusetts, LLC